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Estate of Jackson R. Dennison

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND CA

**WELLS FARGO BANK, N.A., as TRUSTEE
for the CLARA POPPIC TRUST**

Case No.: No. CV 08- 2561 SBA
Hon. Saundra Brown Armstrong

Plaintiff,

Complaint filed: May 21, 2008
Trial Date: Not Set

vs.

KENNETH G. RENZ; ESTATE OF JACKSON
R. DENNISON; ESTATE OF WILEY
UMSTEAD; KAZUKO UMSTEAD; WON
JAE YI aka MICHAEL YI; NAN Y. PARK;
GUAN HUANG; YING ZHANG and SUI
SONG

**DEFENDANT ESTATE OF JACKSON R.
DENNISON INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 26(A)(1)**

Defendants

Defendant Estate of Jackson R. Dennison hereby notes that it has responded to this complaint, thus far, jointly with Kenneth G. Renz for the purpose of contesting jurisdiction only.

Notwithstanding the foregoing, Pursuant to Federal Rules of Civil Procedure Rule 26 the following may be applicable to Jackson R. Dennison, his estate or insurer if any.

I. Witnesses [Federal Rule of Civil Procedure 26 (a) (1) (A) (i)]

The following are the names, addresses, and telephone numbers of witnesses with information relevant to this litigation pursuant to Federal Rules of Civil Procedure Rule 26(a)(1)(A)(i):

1. Kenneth F. RENZ, c/o Law Office of Peter H. Liederman, 2444 Russell St., Berkeley CA
2 94705, Telephone: (510) 681-6916 fax (510) 540-6390
3 Subjects include, but are not limited to RENZ's interest and relationship to the site,
4 initial operation of dry cleaners on the site prior to 1978, and assignment and sale of the
5 dry cleaner business which operated there, also the role of the late Jackson R. Dennison
6 in the operations of the drycleaner and information regarding the distribution of any
7 related assets of Dennison.
8. Kazuko Umstead (KAZUKO UMSTEAD) c/o Bassi, Martini, Edlin, & Blum LLP, 351
9 California Street, Suite 200, San Francisco CA 94104 telephone (415) 397-9006,
10 facsimile (415) 397-1339.
11 Subjects include the assignment of the lease and business from RENZ and Dennison to
12 Wiley Umstead, and subsequent operation of a dry cleaners on the site, including a new
13 lease with the owners and subsequent sale of the dry cleaning business.
14
15. Guan Huang ("HUANG"), 2683 22nd Street, San Francisco, California 94110; Tel:
16 Unknown. Subjects include, but are not limited to HUANG's interest and relationship to
17 the site, the alleged contamination of the site and other matters related to the purchase,
18 operation and sale of the site and dry cleaner businesses which operated there;
19
20. Sui Song ("SONG"), 1650 13th Avenue, Oakland, California 94606; Tel: Unknown.
21 Subjects include, but are not limited to SONG's interest and relationship to the site, the
22 alleged contamination of the site and other matters related to the purchase, operation and
23 sale of the site and dry cleaner businesses which operated there;
24. Nan Young Park ("PARK"), 1468 Willowbend Way, Beaumont, California 92223; Tel:
25 Unknown. Subjects include operation and sale of the site and dry cleaner business which

operated there;

6. Won Jae Yi ("WON JAE YI"), 2545 Telegraph Avenue, Berkeley, California 94704; Tel: Unknown. Subjects include, but are not limited to WON JAE YI's interest and relationship to the site, the alleged contamination of the site and other matters related to the purchase, operation and sale of the site and dry cleaner businesses which operated there;
 7. Michael Yi ("MICHAEL YI"), 2545 Telegraph Avenue, Berkeley, California 94704; Tel: Unknown. Subjects include, but are not limited to MICHAEL YI's interest and relationship to the site, the alleged contamination of the site and other matters related to the purchase, operation and sale of the site and dry cleaner businesses which operated there and environmental reviews conducted by the City of Berkeley and the East Bay Municipal Utility District during his tenancy.
 8. Ying Zhang ("ZHANG"), 213 Brush Street, Alameda, California 94501; Tel: Unknown. Subjects include, but are not limited to ZHANG's interest and relationship to the site, the alleged contamination of the site and other matters related to the purchase, operation and sale of the site and dry cleaner businesses which operated there;
 9. Henry Poppic or his successor. Address not known. Telephone not known. Subjects include status and condition of the property prior to its use for Cal Cleaners. Poppic acted as a co-trustee for the Clara Poppic Trust at relevant time periods. Subjects include, but are not limited to Plaintiff's construction of the building, permitting and preparation and leasing of the site for a dry cleaner, interest and relationship to the site, the alleged contamination of the site and other matters related to the purchase, operation and sale of the site and dry cleaner businesses which operated there during relevant time periods.

10. William Meckel, East Bay Municipal Utility District (EBMUD)
Representative Industrial Discharger Section. Current address of EBMUD:
375 11th Street Oakland, CA 94612. Applicable telephone number not known.
Subjects include knowledge of inspections of the site in 1988.
11. Britt Johnson, City of Berkeley, Environmental Health, present address not determined. Current address for successor agency of City of Berkeley: 2118 Milvia Street, Suite 200, Berkeley CA 94704, telephone (510) 981-7460.
Subjects include knowledge of inspections of the site in 1988.
12. Geoffrey Fiedler, City of Berkeley, Toxics Management Division of the Planning and Development Department, 2118 Milvia Street, Suite 200, Berkeley CA 94704, telephone (510) 981-7460. Responsible for project management for the city. Subjects include, but are not limited to, the investigation and methods and plans for remediation at the site as well as the history of the site, and communications with Plaintiff.
13. Other persons, names not presently known, from the City of Berkeley, Toxics Management Division of the Planning and Development Department, 2118 Milvia Street, Suite 200, Berkeley CA 94704, telephone (510) 981-7460 who have acted as inspectors of the site. Subjects include the results of inspections on the site for toxic contamination, including communication with Plaintiff.
14. Cleet Carleton, Regional Water Quality Control Board, SF Bay Region, 1515 Clay St. Suite 1400 Oakland, CA 94612, Phone: (510) 622-2300, Fax: (510) 622-2460. Subjects include knowledge of the preliminary site assessment by the City of Berkeley.
15. Susan Garhry, P.E., Pangea Environmental Services (PES Env. Inc), 1682 Novato Blvd,

1 Suite 100, Novato, CA 94947-7021 Pangea Environmental Services is located at: 1710
2 Franklin Street, Suite 200, Oakland, CA 94612, Telephone 510.836.3701, Facsimile
3 510.836.370. Subjects include environmental assessment and contamination of site.

4 16. Glenfos Inc. (individual contact name not known at this time) 210 Fell Street, Suite 105;
5 San Francisco, CA 94102, 415 552-4105, Facsimile 415- 522-3509. Subjects: a
6 Limited Environmental Assessment conducted of the site and adjoining areas in 2006.
7 Possible additional subject will be communications regarding status of property with
8 Plaintiff.

9 17. Employees and former employees of Plaintiff Wells Fargo Bank, addresses and
10 telephone information known to Plaintiff. Subjects include, but are not limited to
11 Plaintiff's interest and relationship to the site, the alleged contamination of the site and
12 other matters related to the purchase, operation and sale of the site and dry cleaner
13 businesses which operated there;

14 18. Employees and former employees of environmental consultants retained by Plaintiff.
15 Subjects include the scope and cost of remediation of the alleged contamination and
16 Plaintiff's damages related thereto;

17 18 19. Employees and former employees of Crocker- National Bank, which acted as a co-trustee
20 for the Clara Poppic Trust at relevant time periods, current address and telephone number
21 unknown, Subjects include, but are not limited to Plaintiffs construction of the building,
22 permitting of the site for a dry cleaner, interest and relationship to the site, the
23 alleged contamination of the site and other matters related to the purchase, operation and
24 sale of the site and dry cleaner businesses which operated there during relevant time
25 periods.

1 **II. The following are documents relevant to this litigation pursuant to Federal Rules
2 of Civil Procedure Rule 26(a)(1)(A)(ii):**

- 3 1. Documents received from the City of Berkeley, including inspection
4 reports of the dry-cleaning business that operated at the site during the
5 relevant time periods;
- 6 2. Lease documents related to the lease of the site during relevant time periods.
- 7 3. Correspondence of RENZ with representatives of the Poppic Trust.
- 8 4. Documents relating to the installation of the equipment in 1975 with a description of the
9 make and model of the drycleaning equipment, all used and sold "as is".
- 10 5. Invoice from the company, PERC-SERV, Inc., which sold RENZ the drycleaning
11 solvent on 2/28/1975..
- 12 6. Signed copy of the sales agreement of the sale of Cal Cleaners, dated 4/13/1977, to
13 Wiley Umstead.

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15 Said documents are located at the law office of Peter H. Liederman, 2444 Russell St.
16 Berkeley CA.

17 **III. Damages Federal Rule of Civil Procedure 26 (a) (1) (A) (iii)**

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19 The following are damages suffered by RENZ relevant to this litigation pursuant to
20 Federal Rules of Civil Procedure Rule 26(a)(1)(A)(iii):

- 21 1. Attorneys fees in an amount yet to be determined;
22 2. General economic and consequential damages, of an amount to be
23 determined, for indemnification, contribution, or recovery of any judgment or assessment
24 that may occur for costs of investigation, testing, remediation and clean-up of the

1 contamination on, under, adjacent or down gradient from the site and the surroundings.
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3 **III. Insurance, Federal Rule of Civil Procedure 26(a)(1)(A)(iv)**

4 The following relates to Dennison's insurance pursuant to Federal Rules of Civil
Procedure Rule 26(a)(I)(A)(iv):
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6 Respondent is investigating whether insurance may be available under an umbrella
7 agreement with Travelers group issued to Dennison and Renz, or under a general liability policy
8 with INA encompassed by the Travelers policy. Respondent has been advised that INA is also
9 the insurer for Wells Fargo as Trustee of the Poppic Trust, and that a claim has been made to
10 INA by Wells Fargo. Travelers has stated a reservation of rights. The Travelers policy is
11 available for inspection and copying from the Law Office of Peter H. Liederman, 2444 Russell
12 St., Berkeley CA 94705.
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14 Date: August 29, 2008

LAW OFFICE OF PETER H. LIEDERMAN

15 By _____/s/
16 PETER H. LIEDERMAN
17 Attorney for Defendants
18 Kenneth G. Renz and
Estate of Dennison
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